

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

V.

Cr. No. 05-10164 GAO

GUILLERMO F. VASCO

**MOTION IN LIMINE TO PRECLUDE THE GOVERNMENT
FROM STATING ITEMS IN ITS OPENING**

Now comes the defendant, Guillermo Vasco, by court appointed counsel, and requests this Honorable Court preclude the Government from making reference in its opening to an alleged rape or other events occurring on May 5, 2004 between the defendant and his wife. As reasons therefore, the defendant states the following:

1. The Court has not ruled on the admissibility fo the alleged acts, and a curative instruction would not be sufficient to cure the prejudice and taint which would result from the reference to these allegations.
2. The Defendant was charged with these acts in the Essex Superior Court, but that case is still pending and Mr. Vasco has not been convicted of any of these charges.
3. The defendant does not object to the government stating that there was marital discord, but objects to any reference to evidence which may not be admissible at the trial.
4. The defendant would be irretrievably prejudiced by these statements in an Opening, and the defendant maintains that this evidence would not fall under the Federal Rules of Evidence 403 or 404(b).

WHEREFORE, for the reasons set forth above, the defendant requests that this Court preclude reference in its opening to the alleged rape or other events of May 5, 2004 between Mr. Vasco and his wife.

Respectfully Submitted,
By his Court-Appointed Attorney,

/s/ MELVIN NORRIS
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November 1, 2006

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document filed this date through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent this date to those indicated as non-registered participants.

/s/ Melvin Norris
MELVIN NORRIS